

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

ERIC GRIFFIN

DON E. BOWER, INC.

Plaintiff

v.

Defendant

CIVIL ACTION NO. 3:16-2412

(JUDGE MANNION)

FILED
SCRANTON

APR 10 2018

PER _____ DEPUTY CLERK

ORDER

In light of the accompanying memorandum issued this same day, IT IS
HEREBY ORDERED THAT the plaintiff's pending motions *in limine*, (Doc. 38;
Doc. 39; Doc. 40), are **GRANTED IN PART** and **DENIED IN PART** as follows:

(1) The plaintiff's motion *in limine* seeking to exclude evidence related to a telephone call recording between the plaintiff and a representative from the Pennsylvania Department of Labor and Industry's Office of Unemployment Compensation (the "Unemployment Recording"), (Doc. 38), is **DENIED**. In the event that the defendant introduces evidence related to the Unemployment Recording, the Court will provide the jury with a limiting instruction that the evidence may only be used for the purpose of assessing the plaintiff's credibility.

(2) The plaintiff's motion *in limine* seeking to exclude evidence referring to the plaintiff's unemployment benefits records, (Doc. 39), is **DENIED** to the

extent noted in the accompanying memorandum. In the event that the defendant introduces evidence related to the plaintiff's claim for and receipt of unemployment benefits, the court will provide the jury with a limiting instruction that the evidence may only be used for the purpose of assessing the plaintiff's credibility.

(3) The plaintiff's motion *in limine* seeking to exclude the markup on a document identified by the defendant as a "list of gas employees . . . who are still employed," (Doc. 40), is **GRANTED**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: April 10, 2018

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